

Atty. Docket: 15-UL-5584

DAG
JWG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles C. Brackett : Group Art Unit: 3626
Serial No.: 09/557,153 : Examiner: Frenel, V.
Filed: April 24, 2000

Title: IMAGING SYSTEM HAVING MEANS FOR
CREATING, MANAGING AND SELECTING
FROM A LIST OF EXAM DESCRIPTIONS

Attention: Office of Petitions
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION
PURSUANT TO 37 CFR 1.137(b)**

Sir:

The above-identified application became abandoned for unintentional failure to file a timely and proper reply to the final Office Action mailed on March 11, 2005. A Notice of Abandonment was mailed on March 21, 2006. The Applicant hereby petitions for revival of this application.

A Response to Final Rejection was mailed on May 13, 2005. The two-month period for responding to the Final Rejection had expired on May 11, 2005 - two days before. Thus the time period for placing the application in condition for allowance or taking other action was still running.

An Advisory Action was not received until February 6, 2006, which was after the six-month statutory period for reply had expired. Applicant's response to Final Rejection was entered, but did not place the application in condition for

allowance.

Had the Response to Final Rejection been deemed to place this application in condition for allowance, then there would have been no abandonment. Applicant did not learn that the application was not in condition for allowance until February 7, 2006, which meant that the application had gone abandoned on November 11, 2005. That abandonment was unintentional.

The required reply, in the form of a Notice of Appeal and a Pre-Appeal Brief Request for Review, is submitted herewith. The fees for filing this petition (\$1,500.00) and for filing a notice of appeal (\$500.00) should be charged to Deposit Account No. 07-0845.

The entire delay in responding to the May 11, 2005 office action from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional. Up until February 7, 2006, the Applicant was awaiting the Examiner's action on the Response to Final Rejection mailed on May 13, 2005. The undersigned mistakenly thought that the latter had been filed within the two-month period that would have justified the Applicant awaiting the Advisory Action. Thus, the undersigned inadvertently did not realize that the clock was still running after the May 13, 2005 submission.

The Applicant is submitting a Pre-Appeal Brief Request for Review concurrently herewith. The undersigned

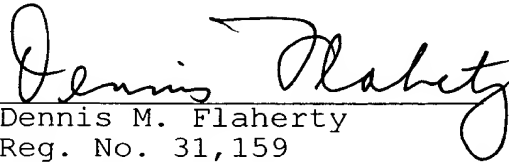
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respectfully requests that this petition seeking revival of an unintentionally abandoned patent application be granted.

Respectfully submitted,

April 4, 2006

Date



Dennis M. Flaherty

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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

April 4, 2006

Date



Dennis M. Flaherty